



Town of Middletown Planning Department

350 East Main Rd., Middletown RI 02842 (401) 849-4027

PLANNING BOARD MINUTES

AUGUST 12, 2015

Town Council Chambers, 350 East Main Rd., Middletown, RI

Board members present:

Charlene Rose-Cirillo, Chair
Art Weber, Vice Chair
Betty Jane Owen, Secretary
Matthew Sullivan
John Ciummo
Jan Eckhart
Paul Croce

Ron Wolanski, Planning Director
Peter Regan, Town Solicitor

The meeting was called to order by Ms. Cirillo at 6:00pm.

1. Approval of the minutes of the July 8, 2015 regular meeting.

Motion by Mr. Weber, seconded by Ms. Owen, to approve the minutes of the July 8, 2015 regular meeting. **Vote:** 7-0-0.

2. Correspondence

- Letter to the Town Planner dated July 17, 2015 from Kevin M. Flynn, Associate Director, Statewide Planning Program, regarding RhodeMap RI. **Motion** by Mr. Weber, seconded by Ms. Owen, to receive the correspondence. **Vote:** 7-0-0.
- Letter to the Town Planner dated July 21, 2015 from Kevin M. Flynn, Associate Director, Statewide Planning Program, regarding state review of proposed revisions to the Middletown Comprehensive Community Plan necessary to gain state approval. **Motion** by Mr. Weber, seconded by Ms. Owen, to receive the correspondence. **Vote:** 7-0-0.

3. Public Hearing - Request of the Zoning Board of Review pursuant to Section 602 and Article 11 of the Middletown Zoning Ordinance for development plan review and an advisory recommendation on an application of VSH Realty Inc. & Cumberland Farms Inc. for a special use permit to allow renovation and expansion of an existing gasoline dispensing facility in Zone 1 of the Watershed Protection District. Waivers are requested from certain design standards of the Middletown Rules and Regulations Regarding the Subdivision and Development of Land, Section 521 (public hearing required). Property located at 94 & 106 Aquidneck Ave. Assessor's Plat 115, Lots 132, 133, 134.

The applicant was represented by attorney Robert M. Silva. Mr. Silva stated that the applicant continues to work with CRMC to address their concerns, as well as respond to comments from the town's consulting engineer. He requested that the matter be continued to the October 14, 2015 Planning Board meeting.

Motion by Mr. Weber, seconded by Ms. Owen, to continue the matter to the October 14, 2015, 6pm regular Planning Board meeting. **Vote:** 7-0-0.

- 4. Public Informational Meeting - Prospect Avenue Subdivision, Goldstein Associates, LLC., applicant. - Request for Master Plan approval for a proposed 5-lot major subdivision, including request for waivers, of property fronting on Prospect Ave. The property is identified as Assessor's Plat 121NW, Lot 66-A and is located approximately .3 miles to the east of the intersection of Prospect Ave. and Aquidneck Ave.**

The applicant was represented by attorney Robert M. Silva. He stated that his partner David Martland, who is representing the applicant, was unavailable for the meeting and has submitted a letter requesting that the matter be continued to the September 9, 2015 Planning Board meeting.

Motion by Mr. Weber, seconded by Mr. Sullivan, to continue the matter to the September 9, 2015 Planning Board meeting. **Vote:** 7-0-0.

- 5. Request of the Zoning Board of Review pursuant to Sections 306 and 717 of the Middletown Zoning Ordinance for development plan review and an advisory recommendation on a application of D'Angelo, Inc. (TD Bank), 553 West Main Rd. Plat 107SE, Lot 59, to demolish an existing building and construct a new commercial building with site alterations. Waivers are requested from certain design standards of the Middletown Rules and Regulations Regarding the Subdivision and Development of Land, Section 521.**

The applicant was represented by attorney Robert M. Silva. Mr. Silva stated that he had recently been hired to represent the applicant. He described the recent progress to address the Board's concerns over design of the proposed building. He introduced project architect Brian Perlow of Bergmeyer Architects.

Mr. Perlow reviewed the latest building design renderings, dated 8/5/2015.

Mr. Eckhart stated that the latest design represents a good example of effort on the part of an applicant to work with the town to develop an acceptable design.

Mr. Silva commended his client and the design team for their efforts.

Ms. Owen stated that she was pleased with the design and thanked the applicant.

Mr. Perlow reviewed the rationale for the waivers that are requested.

Project engineer Josh Swerling of Bohler Engineering review the site plan, which had previously been presented to the Board. He reviewed the waiver requests related to the site plan.

Motion by Mr. Weber, seconded by Ms. Owen, to grant the requested waivers and forward a positive recommendation on the application to the Zoning Board of Review, subject to the following conditions:

1. Prior to the issuance of building permits, plans for storm water drainage control and treatment shall be reviewed for conformance with town regulations, including the

- town's storm water management ordinance (Chapter 153), and construction site runoff and erosion control (Chapter 151).
2. Prior to the issuance of building permits, proposed sewer connection must be approved by the Director of Public Works.

Waivers granted:

- Section 521.2.B.1 - regarding required area of windows on facades facing and visible from the public way.
- Section 521.2.C.1 - regarding use of synthetic exterior building materials intended to mimic traditional materials.
- Section 521.3.D.2 - regarding required 20ft landscaped buffer along all property line with abutting residential use.
- Section 521.3.D.3 - regarding required 10' landscaped buffer between parking lots/driveways and buildings.
- Section 521.3.F.1 - regarding required street trees, planted 30ft apart, with minimum 4" caliper.
- Section 521.3.F.2 - regarding minimum of one parking lot tree for every five parking spaces, minimum 4" caliper. While the required number of trees is provided, they are shown as 2.5-3 inch caliper.

Vote: 7-0-0.

6. Request of the Zoning Board of Review for development plan review and recommendation on an application of Mello Realty, Inc, and New Cingular Wireless PCS, LLC AT&T mobility to install a wireless telecommunications facility, subject to the provisions of zoning ordinance Article 25 and sections 602 and 902(A), on property fronting on Coddington Highway, Plat 103, Lot 103.

The applicant was represented by attorney Robert M. Silva, who stated that there will likely be a change in the applicant for the project and a resulting need to re-advertise the application. He requested that the matter be continued to the October 14, 2015 Planning Board meeting.

Motion by Mr. Weber, seconded by Ms. Owen, to continue the matter to the October 14, 2015 Planning Board meeting. **Vote:** 7-0-0.

7. Public Informational Meeting - Application of John Warner for Master Plan approval of a proposed 3-lot major subdivision. Property fronting on Paradise Avenue and Serenity Drive, and located approximately 300 feet to the east of the intersection of Serenity Drive and Compton View Drive, Assessor's Plat 120, Lot 68

The applicant was represented by attorney Robert M. Silva. He introduced project engineer Kevin Demers of DiPrete Engineering and real estate expert Thomas St.Claire. Mr. Silva described the process of planning for the proposed subdivision. The applicant is working with the Aquidneck Land Trust to ensure that proposed lot C of the subdivision will be preserved by conservation easement, and will not be developed. That lot is shown as a development lot on the plan in order to ensure the owner receives full credit and the appropriate tax deduction from the IRS for the gift of the land to the land trust. The plan will result in just two development lots accessed from Serenity Drive.

Mr. Wolanski confirmed for the Board that they must review the plan as a 3-lot subdivision, ensuring that all requirements are met, even though only two of the lots might be developed.

Mr. Silva discussed the waiver requests regarding the proposed cul-de-sac extension of Serenity Drive. He noted that the road extension is proposed in order to meet the lot frontage requirement without need to request a zoning variance. A waiver is requested in order to not have to fully construct the cul-de-sac. The two building lots would be accessed by private driveways from the end of Serenity Drive.

Mr. Eckhart asked about responsibility for the paper street if the waiver of construction is granted.

Mr. Croce asked about the possibility of extending Serenity Drive.

Mr. Silva stated that the construction of a road extension would be too costly. The maintenance of the unimproved portion of Serenity drive would be the responsibility of the lot owners.

Mr. Demers reviewed the plan, including proposed utilities connections. Sewer would be provided via a gravity connection to the sewer main in Maidford River Road. Water would be provided from Compton View. Storm runoff would be addressed on each of the development lots using dry wells and swales and will meet all town requirements. The proposed storm water design will be provided with the preliminary plan submission.

Mr. Silva introduced Chuck Allott, Executive Director of the Aquidneck Land Trust to discuss the land trust's interest in conserving a portion of the property. Mr. Allott stated that the land trust sees the preservation of land along the Maidford River as important for watershed and habitat protection. He is working with the owners to finalize the terms of the conservation easement.

Motion by Ms. Owen, seconded by Mr. Ciummo, to open the public hearing. **Vote:** 7-0-0.

Hedy Bennett of 89 Paradise Ave. stated that she owns abutting property with the potential for future development. She asked the board to consider the possibility of having the proposed roadway extension of Serenity Drive provide for a future road connection to her property.

M. Theresa Santos of 214 Morrison Ave. stated that at the time of the development of Compton View subdivision there was some sort of controversy over Serenity Drive. She asked if the controversy had been resolved. Mr. Regan and Mr. Wolanski stated that they were not aware of any ongoing controversy.

Chris Agoros of 220 Compton View Dr. stated that he is interested in seeing consistency with the Compton View neighborhood. He would like to see the existing screening between his property and the proposed development maintained. He noted concerns with storm water drainage in the area.

Ed Brady of 2 Maidford River Rd. stated that he would like the Planning Board to ensure that the sewer main is adequate to accept the proposed connections. He noted the flooding that occurred in his neighborhood during the construction of the Compton View subdivision. On Maidford River Road itself, the storm drainage system does not function properly.

Mr. Demers stated that the design for the sewer connection is not yet complete, but it will be designed as needed to convey the new flows.

Mr. Sullivan asked about the extent of the grading that will be required.

Mr. Demers stated that minimal grading is anticipated.

Mr. Eckhart asked if storm runoff would be contained on the lots.

Mr. Demers stated that there would be no increase in the rate of runoff from the parcels. Appropriate BMPs would be selected to treat the runoff.

There being no one else wishing to address the board, **motion** by Mr. Weber, seconded by Ms. Owen, to close the public hearing. **Vote:** 7-0-0.

Ms. Owen stated that she would like the board to conduct a site visit of the property before proceeding with deliberations.

Motion by Ms. Owen, seconded by Mr. Weber, to schedule a site visit. **Vote:** 7-0-0. Mr. Wolanski was asked to coordinate scheduling the site visit.

Motion by Mr. Weber, seconded by Mr. Sullivan, to continue the matter to the September 9, 2015 Planning Board meeting. **Vote:** 7-0-0.

8. Public Hearing - Request of Smudgeco, LLC for waivers from certain design standards of the Middletown Rules and Regulations Regarding the Subdivision and Development of Land, Section 521. Property located at 2-4 Coddington Highway, 554-556 West Main Rd., 5 Hart St., Assessor's Plat 107SW, Lots 87, 88, 89.

Attorney Brian Bardorf represented the applicant. He reviewed the plan for the construction of a parking lot on the subject property. One goal is to address the loss of parking at the front of the buildings as a result of land taken for state road intersection improvements. The owners have purchased 5 Hart Street and will remove the existing dwelling to allow for construction of a parking lot. He introduced project engineer Mike Russell.

Mr. Russell distributed and reviewed a plan that consolidates proposed site work and landscaping on one sheet. He discussed the rationale for the waiver requests.

Ms. Cirillo asked about accessibility to the buildings from the parking lot, and whether there were plans to provide entrances at the rear of the buildings.

Mr. Russell stated that an accessible sidewalk would be provided to get to the front of the buildings. Rear entrances to the buildings are not proposed.

Regarding landscaping, Mr. Russell stated that the applicant and the abutting property owner wish to maintain the existing hedge located on the property line. This will provide adequate screening for the abutting residential property. The plan results in a significant increase in landscaped area on the property, considering that the front yard along West Main Rd. will also be landscaped once the parking is removed.

Mr. Sullivan asked about potential traffic impacts of the new parking lot.

Mr. Russell stated that there should be minimal impact since the new lot, together with the reduction in parking at the front and side of the buildings will result in only a few more spaces than what exists on the site today.

Mr. Russell reviewed the proposed storm water treatment. Aside from providing electricity for parking lot lighting no other new utilities are proposed. Utilities serving the existing dwelling lot 87 that will be removed will be capped. He noted that the proposed lighting will comply with dark-sky standards.

Mr. Sullivan stated that the survey plan must be certified to a certain class of survey. Though stamped, the plan does not include a certification statement. Mr. Russell stated that this will be addressed.

Motion by Ms. Owen, seconded by Mr. Weber to open the public hearing. **Vote** 7-0-0.

Gary Libby of 7 Hart Street stated that he is concerned about potential impacts of the demolition and construction on the subject property as he is a direct abutter.

Mr. Russell stated that work will comply with all town requirements. Measures to mitigate potential impacts will be addressed at the building permit stage.

There being no one else wishing to address the board, **motion** by Mr. Weber, seconded by Mr. Sullivan, to close the public hearing. **Vote:** 7-0-0.

There was discussion about whether the board should request input from the Tree Commission on the landscape plan. Mr. Wolanski stated that he had provided a copy of the plan to the chairwoman of the Tree Commission, but the commission has not yet reviewed it. The board could continue the matter if it wishes to get Tree Commission input. It was decided that the Planning Board would not delay taking action on the application.

Mr. Eckhart stated that the plan would result in an overall improvement to the area.

Motion by Mr. Eckhart, seconded by Mr. Weber, to approve the requested waivers as follows:

- Section 521.3.D.2 - regarding required 20ft landscaped buffer along all property line with abutting residential use.
- Section 521.3.D.3 - regarding required 10' landscaped buffer between parking lots/driveways and buildings.
- Section 521.3.F.1 - regarding required street trees, planted 30ft apart.

Vote: 7-0-0

9. Application of Philip & Sandra Rondina for Preliminary Plan approval of a proposed 2-lot minor subdivision of land. Property fronting on Cordeiro Terrace, with an address of 379 Third Beach Rd., Assessor's Plat 126, Lot 60

The applicant was represented by attorney Robert M. Silva, who reviewed the plan. He discussed the non-conforming nature of the property and the need for zoning relief to allow for the subdivision that would result in two non-conforming lots. No new development is proposed, and nothing on the ground will change as a result of the subdivision.

There was discussion of the existing septic system, which serves the three dwellings on the subject parcel and a dwelling on an abutting parcel. No changes to the system are proposed.

Mr. Wolanski noted the need for easements for the septic lines and the existing driveway that serves all three dwellings. Easements for the water service will might also be needed. If RIDEM approval is required relative to the septic system and the new property line, this should also be addressed prior to final approval of the plan.

Motion by Mr. Weber, seconded by Mr. Ciummo, to make the five required findings of fact and to grant preliminary plan approval subject to the following conditions:

1. The applicant must be granted the necessary relief by the Zoning Board of Review in order for the plan to be considered for final approval. The decision of the Zoning Board of Review must be recorded in the land evidence records, with a copy provided to the Planning Board.
2. The plan indicates that the existing septic system which appears to serve all three dwelling will be retained. Appropriate easements to accommodate the continuation of this arrangement must be provided on the plan. Required approvals from RIDEM, if any,

to allow for this arrangement to continue must be secured, with documentation provided to the Planning Board prior to final subdivision approval.

3. The plan indicates that existing wells will continue to serve the dwellings. Appropriate easements to accommodate the continuation of this arrangement must be provided on the plan.
4. If the intent is that the existing driveway used to access the dwellings on proposed Parcel A will continue to provide access, an appropriate easement across Lot 60 should be provided on the plan.

Vote: 7-0-0.

10. Discuss proposed work plan for implementation of the Middletown Comprehensive Community Plan's zoning amendments, and schedule for adopting revisions required to address state comments.

Mr. Wolanski described the proposed work plan that was developed with the assistance of a subcommittee of the planning board. There was discussion about the possibility of subcommittees being employed to assist planning staff in drafting the various zoning amendments.

Motion by Mr. Sullivan, seconded by Mr. Weber, to forward the work plan to the Town Council. **Vote:** 7-0-0.

Mr. Wolanski reviewed the proposed revisions to the comprehensive plan that are necessary to allow for state approval of the plan. The proposed language was developed with input from Statewide Planning to ensure it will be acceptable. He reviewed the process required to amend the comprehensive plan. By consensus the board agreed to schedule the public hearing on the proposed amendments to be held during its regular meeting on September 9, 2015 at 6pm.

11. Updates

Aquidneck Island Planning Commission.

Mr. Wolanski stated that the commission has recently selecting a new executive director. Work on projects of interest to the local communities will likely resume shortly.

Update on BRAC Navy Surplus Land reuse planning process.

Mr. Wolanski stated that there was no news to report regarding the transfer process.

Motion to adjourn by Mr. Weber, seconded by Mr. Ciummo. Vote: 7-0-0.

Meeting adjourned at 8:05 pm.

Respectfully submitted:
Ronald Wolanski
Planning Director